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IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GATES WILLIAMS and
SHARON WILLIAMS,

Plaintiffs,

v.

Case No. _____07-9999____

STATE FARM FIRE & CASUALTY
COMPANY, J. COOPER MOVING, INC.,
and COOPER & COOPER MOVING, INC.

Defendants.

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, WESTERN DIVISION:**

TO: Gates Williams and Sharon Williams
c/o Mark Ledbetter
254 Court-Suite 305
Memphis, Tennessee 38103

The Defendants, State Farm Fire & Casualty Company, J. Cooper Moving, Inc., and Cooper & Cooper Moving, Inc. (hereinafter collectively the "Defendants"), by and through counsel, herein remove the above-entitled action from the Chancery Court for Shelby County, Tennessee, to this Court, pursuant to 28 U.S.C. §1331, 28 U.S.C. §1337, 28 U.S.C. §1441(a) and (b), and 28 U.S.C. §1445(b) on the following grounds:

1. On February 14, 2007, a civil action was filed in the Chancery Court for Shelby County, Tennessee, styled *Gates Williams and Sharon Williams v. State Farm Fire & Casualty*

Company, J. Cooper Moving, Inc., and Cooper & Cooper Moving, Inc., Case No. CH-07-0346-3 (hereinafter the “State Court Action”).

2. The action brought by the Plaintiffs, Gates Williams and Sharon Williams, is wholly of a civil nature over which the United States District Court for the Western District of Tennessee has original jurisdiction pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337 and one that may be removed by the Defendants pursuant to 28 U.S.C. §1441(a) and (b) and 28 U.S.C. §1445(b), as the State Court Action is based upon allegations of cargo loss and/or damage arising out of the interstate transportation services performed by the Defendant, Cooper & Cooper Moving, Inc., which are subject to the jurisdiction of the Motor Carrier Act and the Department of Transportation Surface Transportation Board. By way of the Interstate Commerce Commission Termination Act of 1995, Pub.L.No. 104-88, 109 Stat. 803, the regulation of interstate carriers such as the Cooper & Cooper Moving, Inc. was transferred from the Interstate Commerce Commission (“ICC”) to the Surface Transportation Board. Accordingly, this action and the Defendants’ liability is governed by 49 U.S.C. §14706, formerly 49 U.S.C. §11706, and commonly referred to as the Carmack Amendment to the Interstate Commerce Act. As alleged in the Complaint, Plaintiffs contracted with Cooper & Cooper Moving, Inc. to move its goods through interstate commerce across state lines and is seeking damages in excess of \$10,000, exclusive of interest and costs, and, therefore, the jurisdictional amount in controversy set forth in 28 U.S.C. §1445(b) has been satisfied.

3. Written notice of the filing of this Notice of Removal has been served on all parties herein and a copy of this notice has been filed with the Clerk of the General Sessions Court for Maury County, Tennessee. All Defendants have joined in this Notice of Removal.

4. This Notice of Removal is filed in compliance with Rule 11 of the Federal Rules of Civil Procedure.

5. Attached as **Composite Exhibit A** are copies of all processes, pleadings and other documents served upon the Defendants in the State Court Action.

6. The Defendants are filing this notice solely by reason of the requirements of 28 U.S.C. §1446 and this notice has been timely filed pursuant to 28 U.S.C. §1446(b).

7. The Defendants reserve all defenses, including but not limited to, those under Rule 12(b) of the Federal Rules of Civil Procedure and do not waive said defenses by the filing of this notice.

WHEREFORE, the Defendants, State Farm Fire & Casualty Company, J. Cooper Moving, Inc., and Cooper & Cooper Moving, Inc., respectfully pray that the above-entitled action now pending against it in the Chancery Court for Shelby County, Tennessee, Case No. CH-07-0346-3, be hereby removed from the above-referenced State Court to the United States District Court for the Western District of Tennessee at Memphis.

DATED: This 23 day of March, 2007.

Respectfully submitted,

/s/ James L. Holt, Jr.
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(901) 754-8001

*Attorneys for Defendants, J. Cooper Moving,
Inc. and Cooper & Cooper Moving, Inc.*

/s/ Kevin C. Baltz

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*Attorneys for Defendant, State Farm Fire &
Casualty Company*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded via U.S. Mail to Mark Ledbetter, 254 Court-Suite 305, Memphis, Tennessee 38103 on this 23 day of March, 2007.

/s/ Bruce McMullen

Bruce A. McMullen